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Constitutional Government for China¹

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IN coming to a clearer understanding of the present difficulties of China, there is one question uppermost in the mind of Western observers. Why is there a Chinese problem? Why, having been introduced into the family of nations, has not China, like Japan, even more recently introduced, come into the same commanding position among the nations of the world? Why, in China, has the adaptation to modern life been such a slow process, while, in Japan, governmental changes have been so rapidly accomplished as to seat Japan in conference among the five great powers of the present?

The fundamental reason for this has been the fact that China is a self-contained nation, able to feed and clothe her own people, thus performing the two most essential functions of government. She developed a civilization of her own which was never influenced to any large extent by outside forces but which in its turn influenced all neighboring nations that came in contact with it. Her previous experiences with outside nations did not prepare her to appreciate the importance of the impact of the West which came upon her in full force during the nineteenth century. While this outside influence was becoming strongest China herself was suffering from the incompetence of her own government, whose incapacity brought about the devastating rebellions of the Taipings in the fifties and sixties and finally resulted in the overthrow of the Manchu Dynasty in 1911-12.

¹ This paper was written before the Disarmament Conference had completed its work.—C. L. K.

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FORMER INDIFFERENCE TO OUTSIDE RELATIONS

This failure to comprehend the importance of the new foreign relations with western nations was conspicuous in the fixing of tariff duties by the Treaty of Nanking in 1842. The volume of foreign trade at that time was of so little value in the opinion of the government that it readily agreed to a nominal rate of duty to take the place of the irregular port charges on foreign imports which hitherto had been the custom. The indifference of that time has been the cause of China's later immense losses of possible revenue as foreign trade has developed to large proportions during the intervening years down to the present. The tariff fixed at that time in contempt of foreign trade is now recognized as one of the chief injustices of China's financial condition.

Another instance of China's former indifference to the importance of outside commercial relations was afforded in 1854, when an arrangement was made at Shanghai with the local Chinese authorities for the opening of a customs house under foreign control in which customs dues should be collected by three men nominated by the consuls of Great Britain, the United States and France. Two of these remained only a short time in office, leaving one man, Mr. Lay, to perform the duties. During his absence on furlough, Robert Hart was appointed in his place and out of this simple local arrangement grew up, step by step, the present highly organized customs service under the direction of a foreign Inspector General

with foreign commissioners in every open port. At first China did not want to be troubled with the collection of import duties from foreign ships and attached no importance to the amount collected. Her failure to appreciate the magnitude of the influences which were coming upon her resulted in her willing consent to the planting in her soil of an exotic customs service which, notwithstanding the high efficiency attained by it, remains a foreign growth which must sometime be supplanted by an indigenous one.

Japan was never a self-contained nation. She had studied her civilization in Korea and China and had always been responsive to outside influences. She recognized as soon as her gates were opened by Perry that the incoming strangers were different from any of those with whom she had come in contact in her previous history. She set herself at once to a study of their institutions and methods. Any of her own people who could contribute information to the government concerning foreigners, was honored and his statements were carefully considered. The result of this attitude of mind was that almost from the very outset Japan appreciated at its full value the importance of the new relationships which were forced upon her while at the same time she determined to adapt her own methods to meet the new circumstances.

THE LATE CONSCIOUSNESS OF FOREIGN IMPACT

It was not until the revolution of 1911-12 in China that the country as a whole came to the same kind of consciousness of the importance of relationship with outside nations to which Japan had awakened in the middle of the nineteenth century. Japan awoke early enough to organize her own system in such ways as to

preserve independence and freedom of action. While China slumbered, outside influences were at work obtaining for themselves political, financial, and administrative concessions in which China mortgaged her own future. Now as the educated young men and women of China have come to realize the fetters which the indifference of their forefathers, coupled with the cupidity of outside nations, has imposed upon them, they have discovered that it is too late for them to depend alone upon their own awakened intelligence to cast these off, and at the present Conference³ have made an appeal to the friendly nations for assistance in regaining what has been lost.

The lack of a stable, efficient government in China at the present time can be very readily explained. It is not due to an inability on the part of the Chinese people to develop orderly government for, as the Chinese Minister, Mr. Sze, has said, China has shown through her long history a remarkable talent for self-government. The fact is that since the establishment of the Republic in 1912 China has been passing through circumstances of extreme difficulty. Within two years the Great War broke out in Europe and was immediately followed by the Japanese attack through Chinese territory upon the German leasehold of Kiaochow. This attack was accompanied by military occupation of the whole length of the Shantung provincial railway and by the stationing of a Japanese garrison in the provincial capital, Tsinan. A few months later Japan presented to China the Twenty-One Demands and forced compliance under threat of the use of military force.

This was in May, 1915 and since that

³ Conference on the Limitation of Armament, Washington, D. C., November 11, 1921.

time the whole spirit of the people has been obsessed with a contemplation of the humiliation to which it was subjected and with the determination to regain what has been taken away. The regaining of their rights in Shantung has been believed, and rightly so, by the Chinese people to be the very basis of future national existence and without the return of Shantung any form of government upon which agreement might be reached would be futile. It has been considered that no government which would allow Shantung to be held by Japan could be worth having, and that no constitution could be adopted which would not include a redeemed Shantung. No stable self-respecting government could carry on under the same heaven with a military occupation by a foreign nation of one of China's ancient provinces, and it was idle to talk of written constitutions, parliamentary government and popular representation until the national spirit was calmed by the righting of this injustice. The Chinese people have never despaired of being able to establish for themselves a stable and efficient government; but they have believed that before this could be accomplished the iniquitous imposition forced on them in Shantung must be first removed.

CHINA TO ESTABLISH HER OWN NEW GOVERNMENT

The question is frequently asked: Can China work out her own internal problems? The best reply to this is the asking of another question: Can any single nation undertake the solution of China's internal problems? The obvious reply to this question is that each great nation at the present time has more problems of its own than it can solve with satisfaction to the people. It is plain that no single

nation is in a position to undertake such a task. But would it be possible for several of the nations which have large interests in China to join together in this work? The answer to this question is the difficulty which the powers have always had in adjusting differences among themselves. Until some definite progress is made on such lines among the great nations, what practical result could be accomplished by a combination concerning the greatest problems of the world centering around China? An international commission for China would add to the existing internal disturbances a new element of dispute among the powers which would be members of such an international commission, and would open the way for combinations of intrigue between internal parties in China and the members of the commission. Any plan for the control of China by a single nation or by an international commission is, in my opinion, bound to fail. The only way in which order and government can be restored in China is to recognize that the Chinese must be allowed to undertake and carry on this work for themselves while outside nations conform to the self-denying ordinance of non-interference.

In establishing her new government China will have need of all her foreign-educated young men and women. In addition to the united effort of her own people in this direction, China should continue to receive the sympathy and encouragement of the American people in the same measure in which it was given to Japan during her years of struggle in building up her present modern institutions. It must be remembered that during the early struggles of Japan to maintain territorial integrity, while other nations had taken landed concessions from her and were threatening to carry out on

her soil the same despoliation that was going on in China, America never took any part in this policy and always gave to Japan sympathetic encouragement and help. Large numbers of the leaders of Japan were educated in American schools. It is not proposed that America should do anything for China now that she did not do for Japan. One of the chief regrets of Americans in observing recent events in the Far East is that Japan, after having received such generous sympathy from America in her own dark hours, should not have joined America in extending the same spirit of friendship to China. On the contrary, she has frequently acted as if she were suspicious of American motives in China, though she would have recognized the baselessness of these suspicions if she had stopped to remember the events of her own history. When Japan has given up Shantung and adopted a more generous policy in Manchuria, she may be led by motives of her own self-interest to adopt toward China the American policy of friendly encouragement and coöperation and to renounce the aggrandizing schemes which she has adopted after the example of European nations.

A WORKABLE CONSTITUTION FOR CHINA

The first need of China is a constitution, but the methods which have been taken toward this end during the life of the Republic have proved abortive. In my opinion, they have met the fate which they have deserved, for it is impossible to impose a constitution upon any democracy. There have been three attempts in China to make a constitution for the country by the appointment of constitutional commissions which have had the aid of foreign advisers. The methods adopted were intended to be democratic but

were in reality the traditional heritage of autocracy. Without any mandate from the people, groups of men who had at heart the interests of their respective countries met and adopted constitutions which they thought would be good for the people, just as in the earlier days emperors with their counsellors decreed laws, canons and governmental institutions. The mere fact that one method provided for a hereditary ruler and the other for an elective executive made no essential difference as far as the people were concerned, for they had no voice.

Such constitutions springing full-grown from the brain of the intellectuals can never become permanent. The only way in which a national constitution can ever be established is for the smallest political units to work out constitutions for themselves, constitutions adapted to their own local purposes. The smallest existing political unit in China is the province, though in some instances important cities might serve such a purpose. Even these smallest political units, the provinces, are already large and the problem of working out for them constitutions, one by one, is bewildering in its involvements. Many of the provinces, such as Chehkiang, have two distinct geographical areas with existing rivalries between them and the problem of reconciling conditions even in existing provinces is tremendous.

I do not believe, however, that this problem is incapable of solution. The provinces can amalgamate the interests of their various sections and work out constitutions for themselves. These being decided upon and accepted by the people and having proved by a period of probation their adaptability to the needs of government, will become the units out of which the constitution for the whole country can be developed. In other words, any

workable constitution for the Republic of China must develop upward from the smallest political units and never can be superimposed from above by any possible combination of the intellectuals of China.